

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: MAR 02 1984

SUBJECT: U.S. DOE/Bendix, EPA I.D. No. M09890010524

FROM: Robert L. Morby, Chief, WMBR

TO: Michael Sanderson, AWCN

The U.S. DOE/Bendix facility, located at 2000 E. Bannister Road, Kansas City, Missouri, operates two (2) surface impoundments on the facility site. A review of the facility's RCRA Part B application, submitted on March 3, 1983, indicated that these impoundments might be subject to RCRA regulations. A provisional request for a Part B application for the surface impoundments was issued on July 27, 1983, subject to a determination that the impoundments were subject to RCRA.

The facility now agrees that the impoundments should be subject to RCRA standards. DOE, however does not agree that DOE facilities are subject to regulation by EPA and this disagreement is now under study by DOJ. Until this controversy is settled, DOE/Bendix will submit information (Part B application, etc.) to EPA and MDNR.

As part of the second Part B submittal received in the Regional Office on February 1, 1984, the facility includes a groundwater monitoring plan that included the surface impoundments. It is not clear whether the monitoring wells have been installed (there is reason to believe the wells have been installed), however, the facility indicates that a monitoring program will begin in FY-84.

In a submittal to MDNR dated February 14, 1984, DOE claims that on August 12, 1981, Harry Gilmer of EPA advised the facility that the impoundments were exempt from RCRA due to the wastewater treatment exemption and that MDNR concurred with this interpretation on September 10, 1981.

The facility has indicated its intention to comply with the "intent" of RCRA even if DOJ finds that DOE is not subject to regulation by EPA. DOE/Bendix will continue to submit any information requested by EPA and MDNR and will solicit our input on any environmental problem.

In accordance with procedures established between our branches, we are referring the issue of regulated surface impoundments without groundwater monitoring for your consideration.



R00337045

RCRA RECORDS CENTER

RECEIVED

MAR 02 1984

AIR AND WASTE COMPLIANCE
BRANCH